

Electoral Quotas for Women in the 21st Century

Ignacio ÁLVAREZ RODRÍGUEZ¹

EUPADRA Joint Master

13/3/2019

ialvarez1@ucm.es

1. Introduction

This working paper aims to study electoral quotas for women, one of the most known actions that implement gender equality principle within representative bodies (FRANCESCHET, et al, 2019; KROOK and ZETTERBERG, 2016).

To that extent, the text it's divided in five parts. To begin with, I will discuss the concept, characters and types of electoral quotas. After this I will give some examples of quotas worldwide (at least, of women's political participation in Parliament). Then, I will discuss the main reasons given by scholars in order to explain the success or failure of these actions. After that, I will face the arguments for and against electoral quotas. Lastly, we will discuss further developments on the subject.

2. Electoral Quotas: Concept, Characters, Types

A common concept of electoral quota could be the next one: "a special measure to increase the presence of women in political-representative bodies". It usually deals with setting a percentage of women (and men) on the electoral ballots (KROOK, 2009).

The characters of electoral quotas are the following. First, their remote origin could be stressed within affirmative action, actions implemented in the USA trying to help to solve the racial problem. In Europe, these actions came into

¹ I want to thank my distinguished colleague Prof. Mr. Ignacio García Vitoria for the invitation to participate in this edition of the Join Master EUPADRA. This text is the draft working paper I've made for the two-hour presentation. Any inconsistency or inconvenience is my full-responsability.

force at first in the labour market. Second, the electoral quota deals with a bigger idea, at least in most of Western democracies: the parity democracy, the system we want and deserve, trying to fill every single institution with 50% of women and 50% of men. Third, they usually are temporary measures: achieved the goal, they tend (or they should) disappear. Forth, almost every branch of feminism support them. At least the two dominant ones (liberal-egalitarian feminism and difference feminism). Fifth, we need to remember the utilitarian argument: we cannot forget the half of our intelligences. We will not create the best society forgetting 50% of our capacities. Sixthly, women elected are also symbols to every single woman and man, sending the message that we can overcome difficulties (BECKWITH, 2007).

We can find three types of electoral quota (IDEA, 2019). The reserved seats. The legislated candidate quota. In addition, the voluntary political parties quota. Let's have a look at each of them.

The reserved seats are an amount of seats in the Parliament that goes directly to women. Nowadays we have 24 countries that implement them (Kenya, Pakistan, Morocco or China). That includes Lower and Upper Houses.

The legislated candidate quota are the ones settled by the Law. The main point is that they are compulsory, giving a precise percentage of women and men to be in the electoral list. Most of the countries sanctions the non-compliance, from economic sanctions to prohibiting participating in the elections. There are 26 countries around the world regulating this type (Ukraine, Chile, Spain, for example).

The third model is the voluntary political party quota. Political parties decide, freely, whether to implement them or not and, if they do so, in which percentages (20%, 30%, 40%, etc). In that case we have almost 40 countries. We can find here countries that have no legislated quota (Australia, Botswana, Namibia) and countries that have legislated ones (Spain, Chile).

3. Electoral Quotas around the World

Moving on, let's see what happens around the World. I am going to pay attention to a bunch of countries that have some similarities and also some differences, pointing out each of them within the Inter Parliamentary Union and the Institute for Democracy and Electoral Assistance framing (IPU, 2019. IDEA, 2019).

a. Oman

A Bicameral system, in the Lower House, the *Consultative Council*, we find only one woman in the body (84 male). The percentage is 1.18%. In the Upper House, the Senate, we find a better number: 14 female and 85 men. The last election was on 2015.

In this country we have no reserved seats nor legislative or party quotas.

b. Australia

In the House of Representatives we find a 30% of women. 105 male and 45 female. In the Senate we have almost a 40% (39.5). The last election took place in 2016.

We can find a political party quota. In 2002 the Australian Labour Party set a 40% quota for party positions, union delegations and for pre-selection for public office and positions at a State and federal level, building on a 35% quota introduced in 1994. Either of the sexes shall be represented by no less than 40% on party electoral lists. (National Platform and Constitution 2009, Article 10a.) That 40% will progressively grow according to ALP's affirmative action model in the coming years with 45 % by the year 2022, to reach 50 % by the year 2025 (National Platform 2015).

c. Ukraine

In the Ukrainian Parliament we find a 12% of women (52 of 423). The last election was on 2014.

We don't find here any national quota. What we have in this case is the new Election Law for Local Elections, adopted in 2015, which requires parties to ensure nomination of at least 30% of candidates of each sex in their candidate lists. The Electoral Commission said that if parties do not fulfil this, it won't matter at all (in terms of rejecting the ballot). The decision was challenged in Court it was upheld. Because of that, some of them ensure that 30% but most of them do not.

d. Brazil

The Bicameral Parliament shows the next data. The Lower House has 77/513 women, the 15%. And the Senate 12/81, 14.8%. Last election was on 2018.

The Brazilian case shows interesting issues. We have legislated quotas since 1997 (30%-70% for the Chamber of Deputies). We also have some political party quotas. In 2009 an amendment came into force in order to promote the political participation of women (using at least 10% of their broadcast time or the 5% of public campaign funds by parties).

e. Kenya

We find in the Lower House 76/349 of women, that is, 21.8%. In the Upper House we see 21/68, of women and in Upper House a 31%. Last election took place in 2017.

Kenya is a good example, at least for three reasons. First, the 2010 Constitution gives coverage to electoral quota, reserving seats for women. Second, it has legal sanctions for non-compliance: if a party has more than 2/3 of its elected officials of one gender it won't be eligible for public funding. Third, the rank order: in the lists (not the reserved seats) you have to alternate women and men. That is called the "zip-system" or the "zebra-system".

f. Nigeria

The Lower House has 20/359 women, 5.6%. The Upper House, 7/109, 6.4%. The last election took place in 2015. No further information could be found.

g. Trinidad and Tobago

In this case the elections were also in 2015. In the Lower House we have 13 of 42, the 31%. In the Upper House we have 11 women of 31, the 35.5%.

They don't have any legislated quotas nor voluntary political parties one. In 1995 the Women's Political Platform lobbied the political parties to ensure at least 30% women were elected. In 2000, a woman-Senator passed a similar motion but it was defeated.

h. Malawi

They have only one Chamber, the National Assembly, where we have 32/192 women, that is, 17% of the seats. Last election was in 2014.

The system has soft voluntary party quotas. The ones that have parliamentary representation are the United Democratic Front (25% seats for women) and the Malawi Congress Party (33% for women at all levels of party structure. Since 2004 it also has a 30% for women on any government positions).

i. Pakistan

Another example of reserved seats. The Lower House has 21% of women. The Upper House has 19%. Last election took place in 2018.

How it works the system? The reservation is made by the Constitution in the following terms. First, 60 of 342 seats are reserved. Second, the 272 general seats are elected by direct vote with a FPTP system. Third, an additional 10

seats are reserved for non-Muslims. Four, the reserved seats are allocated to 4 provinces: women are elected through indirect PR list system, following this steps. Firstly, political parties submits their list of women candidates to the Election Commission prior to the election. Secondly, when the elections for general seats finishes the reserved seats are allocated to the political parties in proportion to the number of general seats obtained in each province.

For the Pakistan Senate we have a similar but different scheme. Taking into account that the reserved seats for women are 17/104, the distribution is for women by four provinces plus one by Islamabad seats. Finally, members of provincial councils and members of the Lower House, within PR employing the single transferable vote system, elect Senators.

j. Chile

One of the main countries in Latin America that is making deep changes in women's political representation (DÓSEK, 2017). In 2015 and 2016 the Congress passed some new electoral laws to include a gender quota. Which are the main highlights for the Chilean case?

First, the quota will only apply for parliamentary electoral processes during 2017, 2021, 2025, and 2029. Second, the quota consists in not allowing any of the sexes to be in more than 60% in the list. Third, if a party fails to comply to the gender quota, the entire candidacy for deputy and senator will be rejected. And four, the more elected women, the more additional state subsidy in proportion.

In the first elections with the new system, the Chamber of Deputies got 23% of women (35/155) and the Senate also a 23% of women (10/143). Recent scholars said that although the measure is good, we have to take into account that further policies will be needed, as we are fighting with structural inequalities (TORO, 2018: 125-156).

k. Botswana

The Republic of Botswana has a Unicameral Parliament; the National Assembly has 6 women of 63 what means 9.5% (last election 2014).

It has a voluntary political party quota. The Botswana Congress Party (BCP), introduced in 1999 a 30% quota for women on electoral lists. The party has not always met this target. In 2010 they did. The Botswana National Front (BNF) did almost the same: in 1999 put the 30% but found difficulties in order to fulfil it.

l. Namibia

Maybe the surprise of our chart. Namibia is one of the best examples of MP-women success. It is in the top ten worldwide (ranked: 7). What is going on in Namibia? The Lower House has 48/104, 46.2% of women (last election, 2014). The Upper House has 10/42, 23.8% of women (last election, 2015). We had new elections in 2019 but the gender results weren't available yet.

We do not find in Namibia quotas at the national level. However, we can find, on one hand, a subnational quota (for local institutions on the seats elected: 10 members in the list implies 3 women at least; 11 members or more implies 5 women at least). On the other hand, we find one party with parliamentary representation, the South West Africa People's Organisation (SWAPO) which takes the challenge and established a 50% quota within the *zebra-system* (zip, coloured, system) on electoral lists for local institutions. Also has the same percentage to the national and regional structures. As it is the ruling party in the National Assembly maybe that's why the Namibian system is on top.

m. Georgia

Talking about the country and not the State of the United States of America, the Georgian Unicameral Parliament has 24/150 women MPS (16%, 2016).

The law introduced in 2011 an incentive for parties to include more women in the lists (at least, 30%). Then they give an additional 10% in public funding for

parties which included at least 20% women in every group of 10 candidates. Lately they tried to implement a reform of the electoral code in order to establish mandatory quotas, with zip system, but the main ruling party, Georgian Dream, has postponed it until 2020.

n. Ecuador

Ecuador has a Unicameral Parliament with 52 of 137 women (38%). The last election was in 2017.

The equatorian case begins with article 65 of the Constitution: "The State shall promote equality with respect to the representation of women and men in publicly appointed or elected office, in its executive and decision-making institutions, and political parties and movements. As for candidacies in multi-person elections, their participation shall be respected by rotation of power and sequencing. The State shall adopt affirmative action measures to guarantee the participation of discriminated sectors").

Then we have the legal level: In the candidates list, if we are in those elections with PR (Proportional Representation) the names of women and men shall alternate. In other words, zip system. Furthermore, the elections for the National Assembly, Andean and Latin American Parliament, the regional and local councils shall be formed by an equal number sequence to complete the principal and alternative candidates.

One of the strong points of Ecuador is the sanctions: the non-compliance of this measures makes the Electoral Commission to reject the list.

Additional information of the country gives the idea that Ecuador is trying to go further. Two examples can be explained. On one hand, the candidates should be chosen by primary elections, in which the parity should be applied. On the other hand, political parties should respect these principles in every internal election and internal structures and functions.

o. Spain

In the Spanish case we have a Bicameral Parliament with legislated quotas and voluntary party quotas (SEVILLA and ROMANI, 2018. DELGADO, 2016. BURGUERA, 2016). The Congress of Deputies has 137 of 350 (39%) and the Senate has 101 of 266 (38%). The last election took place in 2016. We are going to have soon new general elections so we will see. Which are the main highlights of the country? The 2007 Equality Act regulates the issue dividing the thing between the Congress of Deputies and the Senate.

For the Congress every list should comply the gender balance principle: 40%-60% for each sex, at minimum and maximum. It is obligatory to fulfil the list following that principle in every 5 posts. It is obligatory to fulfil the list on principle and alternative candidates. If any party doesn't meets this, the Electoral Commission gives a term to offset it. If it does not, the list is rejected.

For the Senate is almost the same. As we have open lists, with a majoritarian electoral system, the ballot should be as close as possible to the 40%-60%.

For subnational level we have also legislative quotas. Almost every Autonomy has its own legal quotas, part of them asking for the zip-system (e.g.: Basque Country and Andalusia. At the local level the elections follow the gender balanced principle of 40%-60%

Finally, we cannot forget that we have a bunch of political parties with voluntary quotas, most of them on the left wing (PODEMOS, PSOE, IU), but not all (Canarian Coalition).

4. Success or failure of electoral quotas. Reasons and causes

These measures doesn't work on their own. Some research has set a great amount of reasons and causes that we can stress (KROOK, 2009).

First one is political culture. We have to take into account the political culture of the system, of the country, of the territory where the quota should be applied. Is it egalitarian? Is it more liberal? Is it more communitarist? Depending on that, quotas will be implemented or not. And, if they are, every percentage will change. Women in politics are more often seen in western democracies, in those countries that are more compromised with egalitarian culture, in more young societies, and so on.

Second one is political parties ideology. Are we in the left? Or in the right? Of course, we know that a lot of parties are *catch-all*, but it seems to be important, in our aims, the left-right paradigm. Some research demonstrates that left parties are more inclined to play the game with women not without them. And with quotas, internal or external. Right parties are less convinced of this, but further studies give some evidence on the contagion/imitation/spillover effect (SHIN, 2014).

The third is the type of electoral system. If we have an electoral quota at national level, the PR electoral system is better for women to be elected than a majoritarian one. The reason seems quite clear: more posts to be chosen, more possibilities to compete, to be nominated and, lastly, to be elected.

In fourth, the type of district. In that sense, is better the plurinominal district system rather than a uninominal one: the second is a First Past The Post model, so the eventual candidates have less chances for election. In the plurinominal, we choose a bunch of names. In the uninominal, just one.

The fifth issue is the type of list. Research says that closed and blocked lists are better (are more protected because voters cannot make any change). The best option for this: the *zip/zebra system*, alternating one woman and one man.

Moreover, number six, if quotas are well designed and parties cannot easily avoid or fool them, it has been demonstrated that are a useful and helpful tool to increase the number of women elected indeed there are a lot of questions to solve in future (OÑATE, 2016).

5. Electoral Quotas as a Contested Concept: For and Against Quotas

Since the last 80's quotas had been implemented worldwide. Now we have a lot of discussion on the topic. Can we recount the main reasons given whether to support or criticise them?

a. For quotas: supporting gender equality

The main reason given by scholars is that electoral quotas promotes and pursues a constitutional aim, principle, and mandate: gender equality.

One of the top reasons is that they are still necessary nowadays. Moreover, the research has shown that *quota-women* have the same or better preparation for the job than their *not-quota* male or female colleagues (CLAYTON and JOSEFSSON and WANG, 2017).

Another reason is that they are a little help, a little push-up for women. It has nothing to do with discrimination of male or anything like that. It is just the way we've chosen to fight inequality in politics. To that extent, if we remove the quota, some of their benefits will also disappear (DARHOUR and DAHLERUP, 2014).

A great amount of researchers concludes that, in general, quotas do really work. What do we need to boost them is to make clear the point to political parties, not permitting them to fool or cheat with it.

They contribute to create a *critical mass*, the necessary amount of people to bring changes that will break the *glass ceiling*.

They are one of the main symbolic actions: the type of institutions we want, open and inclusive, those built together with women and men efforts. Also, we cant underestimate the contagion or imitation effect that provokes within other

institutions that are little less convinced on the good thing of quotas (LOMBARDO and VERGÉ, 2016. SHIN, 2014)

b. Against quotas: freedom as a matter of principle

There are no (more) need. The only thing that laws should do is to guarantee equality of opportunities and chances, allowing individuals to reach their own goals and follow their own projects (PETERSON, 2018).

They don't really work. They just hit the surface, the superficial part of the iceberg. Moreover, in that sense, they are reinforcing the parties' power, something we may reconsider taking into account what in some countries is happening with their vast amount of power.

They are against the idea of merit. Quota woman are stigmatized as token women and, paradoxically, the idea comes to the end backlashing against them.

In some cases, they are a complete fraud, as for example happened in México with the *Juanita's Case* in 2009.

6. Further Developments

Nowadays the main researchers are moving on. They still study the issue but with new framing.

We are talking about the second generation of quotas-research. That leads us to many works that explain why and how the descriptive representation can be a tangible objective. They also explain us the big numbers dealing with the substantive representation. In addition, they shed light on the symbolic representation (KROOK and ZETTERBERG, 2016)

One of the most successful ideas was the the Gender-Sensitive Parliaments (WAGNERUND, 2015, 2018). That means a holistic and global strategy that

tries to search for some good-practices inside our Parliaments asking some persuasive questions. For example, do women reach leadership in the Commissions? Do we have assistance inside the Chamber for baby caring? Do we have Protocols against sexual harassment? And so on (CHILDS, 2015. CHILDS and CHALLENGER, 2019)

7. Conclusion

We should address the evidence draw at the top.

First we can say that quotas are a reality, but not a worldwide reality. It depends on several factors whether to implement them or not. And, where they are, they depend too on several sub factors, as the electoral system, the type of district, the type of electoral ballot/list.

Second, they are the translation of the efforts made by most agents, specifically political parties. That is one of the main “several factors” mentioned above.

Third, they are not the panacea: maybe we should take in parallel further and deeper actions in economics, labour, or social areas, for instance.

Four, at some point they are successful. However, we cannot ask them to be *the* everything. A lot of educational and political job has to be done.

Finally yet importantly, as the issue is still going we need to be patient. We are in the good path. Progress comes little by little. Progress takes time and efforts. Progress has nothing to do with revolution.

7. References

BECKWITH, K; "Numbers and Newness: The Descriptive and Substantive Representation of Women", *Canadian Journal of Political Science*, nº 40-1, 2007.

BURGUERA AMEAVE, L: "Representación política e igualdad: de los presupuestos teóricos a su efectiva implementación en España: ¿una cuestión temporal?". En LA BARBERA, C; y CRUELLES LÓPEZ, M: *Igualdad de género y no discriminación en España: evolución, problemas y perspectivas*. CEPC, Madrid, 2016.

CHILDS, S; and CHALLENGER, C; "Re-gendering the UK House of Commons: the academic critical actor and her Feminist in Residence", *Political Studies Review*, 2019, pp. 1-10 (on-line: <http://eprints.bbk.ac.uk/26071/3/26071.pdf>. 13/3/2019).

CHILDS, S; *The Good Parliament*, University of Bristol, 2015 (on line: <https://www.bristol.ac.uk/media-library/sites/news/2016/july/20%20Jul%20Prof%20Sarah%20Childs%20The%20Good%20Parliament%20report.pdf>). 13/3/2019.

CLAYTON, A; JOSEFSON, C; WANG, V; "Quotas and Women's Substantive Representation: Evidence from a Content Analysis of Ugandan Plenary Debates, *Politics & Gender*, vol. 13, 2017, pp. 276-304

DAHLERUP, D (ed.); *Women, Quotas and Politics*, Routledge, New York, 2006.

DAHLERUP, D; "Representing Women. Defining Substantive Representation of Women". En ESCOBAR-LEMMON, M.C; y TAYLOR-ROBINSON, M.M (eds.); *Representation. The Case of Women*, Oxford University Press, Oxford, 2014.

DARHOUR, H; and DAHLERUP, D; "Sustainable representation of women through gender quotas: A decade's experience in Morocco. *Women's Studies international Forum*, vol.43 (2), 2013, pp.132-42.

DELGADO SOTILLOS, I: "Cuotas e instituciones. Un análisis comparado de sus efectos sobre la representación política de las mujeres". En LA BARBERA, C; y CRUELLES LÓPEZ, M: *Igualdad de género y no discriminación en España: evolución, problemas y perspectivas*. CEPC, Madrid, 2016.

DOŠEK, T., FREIDENBERG, F., CAMINOTTI, M., MUÑOZ-POGOSSIAN, B. *Women, Politics, and Democracy in Latin America*, Palgrave Macmillan, New York, 2017.

FRANCESCHET, S; KROOK, M.L; TAN, N (Eds.); *The Palgrave Handbook of Women's Political Rights*, Palgrave macmillan, London, 2019.

KROOK, M; "Electoral Quotas and Beyond: Strategies to Promote Women in Politics". En Dosek et al. (eds.), *Women, Politics, and Democracy in Latin America*, Palgrave Macmillan, New York, 2017.

KROOK, M; and ZETTERBERG, P (ed.); *Gender Quotas and Women's Representation. New Directions in Research*. Routledge, Oxon and New York, 2016.

KROOK, M; *Quotas for women in politics. Gender and candidate selection reform worldwide*, Oxford-University Press, New York, 2009.

KROOK, M; and ZETTERBERG, P; "Introduction". In KROOK, M; and ZETTERBERG, P (eds); *Gender quotas and women's representation: new directions in research*, Routledge, London-New York, 2016.

LOMBARDO, E; VERGE, T; "Cuotas de género en política y economía: Regulación y configuración institucional en España" [Gender quotas in politics and corporate boards: Regulation and institutional configuration]. *Política y Gobierno* 24 (2), 2017, pp: 301–331.

OÑATE RUBALCABA, P; "The effectiveness of quotas: the vertical and horizontal discrimination in Spain". In KROOK, M; and ZETTERBERG, P (ed.); *Gender Quotas and Women's Representation. New Directions in Research*. Routledge, Oxon and New York, 2016.

PETERSON, J.B.; *12 Rules for life. An antidote to chaos*. Penguin Random House, Canada, 2018.

SEVILLA MERINO, J; and ROMANI SANCHO, L; “El principio de composición equilibrada”. En VENTURA FRANCH, A; and GARCÍA CAMPÁ, S (dirs.); *El derecho a la igualdad efectiva de mujeres y hombres*, Aranzadi, Cizur Menor, 2018, pp. 415-440.

SHIN, Ki-Y; “Women’s sustainable representation and the spillover effect of electoral gender quotas in South Korea”. *International Political Science Review*, volume: 35 issue: 1, pp. 80-92, 2014.

TORO, C; “Women’s representation provisions in electoral laws. An assessment of Chilean recent electoral reform”. *Latin American Legal Studies* vol.2, 2018, pp. 283-311.

WÄNGNERUD, L; *The principles of gender-sensitive Parliaments*, Routledge, New York-London, 2015.

WÄNGNERUD, L; “Gender-Sensitive Parliaments: what it is and how to study them”, *Revista General de Derecho Constitucional*, nº 26, 2018, pp. 1-27.

9. Web Sources

- “Gender Quotas Database”. Institute for Democracy and Electoral Assistance (IDEA): <https://www.idea.int/data-tools/data/gender-quotas>
- “Gender in Parliament”. Inter-Parliamentary Union (IPU): <https://ipu.org/our-work/gender-equality/women-in-parliament>
- “Women in Nation Parliaments” (Worldwide Ranking): <http://archive.ipu.org/wmn-e/classif.htm>